

**THE DRAFT SUMMARY OF THE MEETING OF THE
HAMPTON ROADS CHESAPEAKE BAY COMMITTEE, THE
REGIONAL STORMWATER MANAGEMENT COMMITTEE AND THE
CHESAPEAKE BAY IMPLEMENTATION SUBCOMMITTEE
August 1, 2013**

1. Summary of the July 11, 2013 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee

The Summary of the July 11, 2013 Meeting of the Hampton Roads Chesapeake Bay and Regional Stormwater Management Committees and Chesapeake Bay Implementation Subcommittee was approved as distributed.

2. 309 Project Update

Mr. Ben McFarlane and Ms. Jenny Tribo, HRPDC, updated the Committee on the status of HRPDC's Section 309 grant project. Year 2 of the project consists of three components: coastal plain stormwater BMP guidance, demonstration of a plan evaluation tool using Suffolk and Norfolk as case studies, and modeling of development impacts on water quality using local sites as examples. Ms. Tribo updated the Committee on the first project deliverable. The coastal plain stormwater BMP guidance focuses on new development and redevelopment BMPS and identifies those BMPs that should be preferred in Hampton Roads (such as rooftop disconnections and bioretention), those that are acceptable (such as vegetated roofs and wet ponds), and those that should be discouraged (grass channels and extended detention ponds). The guidance also identifies BMPs that reduce bacteria, and it summarizes coastal plain adaptations or special design features from Virginia's existing BMP specifications. Ms. Tribo has summarized this work into a "LID" (low impact development) checklist to help developers maximize the use of non-structural BMPs. Ms. Tribo will also be developing regional reference maps and GIS layers showing soils with low permeability, groundwater levels, steep slopes, and watersheds with bacteria TMDLs and bacteria-impaired streams. The LID checklist has been distributed to the stormwater working group for comments. A draft of the deliverable 1 report section will be distributed to the Committee prior to the September Committee meeting, with the goal of approving a final draft at the October Commission meeting.

Ms. Gayle Hicks, Hampton, stated that the products should note the limits of data and that people continue to use inappropriate BMPs.

Mr. McFarlane updated the Committee on the status of the second deliverable, which focuses on demonstrating or implementing the plan and ordinance review tools described in the year one report. Mr. McFarlane has been reviewing codes, ordinances, and plans from Norfolk and Suffolk to develop recommendations for changes, with input from local staff. The review has consisted of both untargeted reviews, meant to identify potential areas for change or improvement and personnel or departments with

decision-making or implementation, and targeted reviews, which use two of the tools identified in year one (the CWP Codes & Ordinances Worksheet and the EPA Water Quality Scorecard). Preliminary findings indicate that there are several possible areas of improvement, whether from adopting new ordinances or promoting the use of existing ordinances. HRPDC staff has also met with both cities on three occasions to discuss findings and parallel city efforts. HRPDC staff and locality staff have identified several focus areas, including:

- Changes to nuisance weed ordinances
- Training for public works personnel
- Landscaping standards for stormwater management
- Parking and road standards
- Transfer of Development Rights (TDR) policies
- Cluster development policies

HRPDC staff is also working on the modeling deliverable. A draft of the deliverable 2 report section will be distributed to the Committee prior to the September Committee meeting, with the goal of approving a final draft at the October Commission meeting.

Mr. David Imburgia, Hampton, noted that fire code street width requirements promote increased impervious area; local fire department regulations and the state fire code should be consulted.

Mr. Clay Bernick, Virginia Beach, stated that Virginia Beach had a similar issue with its fire department and had to come to a compromise when updating its requirements.

Ms. Tribo noted that in year 3 HRPDC staff will be documenting obstacles to implementation.

Mr. Andrew Scott, VDOT, stated that there are several products that can support fire equipment.

Mr. Dave Kuzma, Newport News, noted that maintenance issues should also be considered in considering these alternative products.

3. Regional Strategic Plan Update

Ms. Jai McBride, HRPDC, updated the Committee on the status of the Regional Strategic Plan. The Regional Strategic Plan was proposed and discussed during the Commission's annual retreat in February. Based on recent developments, HRPDC staff is proceeding with a new process for the plan, which starts with determining regional values. This process is based off efforts that have worked in several other regions. The general methodology consists of identifying and establishing stakeholders, committees, and subcommittees, creating guiding principles, engaging the community, identifying community values, and then summarizing the results. The time frame is expected to be twelve months. The next step is to host an initial stakeholder meeting later in August.

Mr. Bernick asked if there was a specific timetable for the effort. None has been established.

Ms. June Whitehurst, Norfolk, asked what stakeholders would be invited. Currently, HRPDC is working on the list, but a diverse and representative group is the goal, including representatives from local organizations and the public sector.

Mr. Imburgia asked what role the Regional Environmental Committee would play in the effort. Ms. McBride stated that the Committee would be involved as stakeholders on the public sector side, along with local boards and the mayors and chairs.

4. Building Code Comments

Ms. Whitney Katchmark, HRPDC, briefed the Committee on proposed regional comments on an update to the state building code. The state building code currently treats rainwater like graywater. HRPDC staff will be drafting a comment letter generally supporting the proposed amendments to the building code providing for scope and design of rainwater no-potable water systems. HRPDC staff would like to take the letter to the Commission for a vote in September. Mr. Bernick suggested sending the draft letter to locality building code officials. Ms. Barbara Brumbaugh, Chesapeake, suggested that Committee members could forward it on to their respective building code officials.

5. Nutrient RAP Update

Ms. Katchmark briefed the Committee on updates concerning the Nutrient Credit Trading Regulatory Advisory Panel. The RAP is not done with its work, but has made considerable progress. One regulatory need/goal that has been identified is that the registry should not impede Virginia's progress toward meeting the Chesapeake Bay TMDL or protection of local water quality.

Mr. LJ Hansen, Suffolk, asked if credits would be collected annually and would need to be renewed. Under the current proposal there would be permanent credits and term credits. Term credit rules have not been finalized. The restrictions and assurances for permanent credits would be greater. Mr. Hansen suggested that localities that were "ahead of the curve" could sell their permanent BMPs as term credits to others and then not renew them once they were needed. In that way, term credits provide an incentive to invest in BMPs earlier rather than later. Ms. Jennifer Howell, DEQ, stated that the assurances were borrowed from wetland banks.

Ms. Katchmark stated that the RAP is also looking at land use conversions.

Committee members asked who is responsible for enforcing assurances (states, municipalities), and if those requirements remain with properties. Restrictions stay with properties.

Mr. Bill Johnston, Virginia Beach, noted that he has been having an issue with developers in an impaired watershed asking him to prove that the ditch that leads to an impaired waterbody has a TMDL, not just the waterbody itself.

The next RAP meeting will be on August 22, 2013 and will be public. HRPDC staff will keep the Committee posted on any developments.

6. HRPDC Legislative Agenda

Ms. Katchmark briefed the Committee on the Commission's legislative agenda process. The Commission generally does not look at specific proposals, instead looking at big issues. She encouraged localities to share any items they were considering.

Ms. Brumbaugh stated that Chesapeake is concerned with the conflict in the current stormwater regulations for grandfathering and vesting. Currently, approved projects are vested for five years, but that is in opposition to the grandfathering provisions in the regulations. Ms. Joan Salvati, DEQ, has responded that they are looking at the issue with DEQ's legal staff. Mr. Scott noted that VDOT is dealing with similar issues.

Ms. Connie Bennett, York, stated that York County was told that if the project does not have an approval by July 1, 2014, then they may have to start over. Ms. Whitehurst stated that projects have to be designed to the new standards if they do not have a permit by 7/1/14. Norfolk has been putting on received plans that they are contingent on meeting the new standards. Ms. Bennett stated that York County is giving projects preliminary approval. Ms. Hicks stated that projects can be designed to the new standard right now.

Mr. Hansen stated that Suffolk is having an issue with carwashes. Specifically, they are discharging to MS4 drainage-ways, but there is nothing in the permit that requires them to use phosphate-free detergent. Suffolk would like to see monitoring requirements for phosphorus for laundry and carwash industrial permits (both have industry-specific permits apart from the Industrial Stormwater General Permit).

7. Committee Restructuring Discussion

Ms. Katchmark briefed the Committee on the effort to restructure the Joint Environmental Committee. An updated version of the by-laws was included in the agenda packet, but that version did not show the changes that had been made. Most of those changes were grammatical.

Mr. Joe Du Rant, Newport News, stated that recommendations to the Commission should be actual votes, not general consensus statements.

Mr. Bernick asked about subcommittees and working groups. The new Regional Environmental Committee will not have any subcommittees, at least to begin with. Working groups will convene to advise HRPDC staff on various issues.

The Committee stated that there needs to be a mechanism to drop or table items of discussion.

The Committee voted to adopt the new by-laws, by a vote of 10 localities in favor, none opposed, and 7 abstaining.

8. Status Reports

Ms. Brumbaugh stated that Chesapeake has reorganized the city's Environmental Services Division; it now reports directly to the Public Works Director.

Mr. Weston Young, Hampton, reported that a Bacteria TMDL public meeting for the Back and Poquoson Rivers was held July 30, 2013.

Isle of Wight County staff reported that the County's Administrator is retiring. The County Fair will be held in September and will have a feature on up-cycled items.

Mr. Bernick reported that the Hampton Roads Sustainable Living Expo, which is targeted at educators, will be held August 28, 2013 at the Sandler Center.

Ms. Howell announced that John McLeod is the new Watershed Coordinator for DEQ's Tidewater Regional Office.

Ms. Whitehurst reported that Norfolk has a new Environmental Coordinator position open; the position will focus on industrial inspections and MS4 administration.

Ms. Tribo reported that the discussion monitoring for PCB TMDLs will be reconvening. The stormwater working group will discuss this at the next meeting. If anyone is opposed to monitoring for PCBs from stormwater, please let her know. Ms. Howell stated that DEQ's goal is to get the monitoring component done as soon as possible. Mr. Kuzma stated that it would be better to get the monitoring component done right than quickly. Mr. Hansen asked how PCB TMDLs would be calculated. Ms. Tribo suggested discussing the matter at the stormwater working group meeting.

9. Other Matters

The next meeting of the Joint Environmental Committee is scheduled for September 5, 2013 at the HRPDC office in Chesapeake, Virginia. Materials will be sent in advance for review.